

# On the Legalization of College Student Management From the Perspective of "Putting People First"

Zhu Jiaming<sup>1, a</sup> Wu Pengju<sup>2, b \*</sup>

<sup>1</sup>Chongqing University of Education, Chongqing, China

<sup>2</sup>Chongqing Sanxia Institute, Wanzhou, Chongqing, China

<sup>a</sup>15123991642@139.com

<sup>b\*</sup>15837837801@139.com

## ABSTRACT

As the core of the scientific development concept, "putting people first" has profound and comprehensive philosophical connotation. It is not only a matter of values, but also a unity of world outlook, outlook on life and values. While establishing the "putting people first" management concept, colleges and universities must clarify some misunderstandings and integrate their ideological implications in the legalization, institutionalization, scientification and harmonious construction of the management system to comprehensively promote the construction and innovation of the management system of colleges and universities.

**Keywords:** *Legalization; Putting people first; Student management*

## 1. INTRODUCTION

As the Party's 19th CPC National Congress has been held successfully, socialism with Chinese characteristics has also entered a new era. In the new era, the country emphasizes the law-based governance, and long-term peace and order. As an important position for the promotion of socialist core values, colleges and universities should vigorously promote the management of schools by law and the development of student management by law. This is a necessary condition for promoting China's comprehensive construction of a legal system, and it is also an important strategic layout for the reform of China's educational field. The problems of students in the process of student management in colleges and universities are likely to cause legal disputes. Most of the reason is that many management systems in the process of student management in colleges and universities are not supported by the relevant legal basis or in violation of the relevant policies of governing the country according to law<sup>[1]</sup>. Therefore, implementing the rule of law in student management in colleges and universities can not only further clarify the theory on school management, highlight respective characteristics, but also help colleges and universities form a scientific and powerful teaching management system, reasonable supervision procedures, and standardized management mechanisms. Meanwhile, it yields twice the result with half the effort by fostering the spirit of law of innovative talents, promoting the legal awareness of college students and establishing a high-level university.

## 2. ANALYSIS OF THE CONNOTATION OF THE LEGALIZATION OF COLLEGE STUDENT MANAGEMENT

### *2.1. The legalization of student management is an inevitable requirement for managing schools by law*

As legal entities of public services, colleges and universities tend to form a vacuum zone in the supervision of power among high-level management under the planned economy system, due to the high concentration of administrative power, and the efficiency of internal management of colleges and universities is maintained by administrative orders. As the main body of administrative power, university administrators naturally have the characteristics of administration. On this basis, the education law formulated by the administrative education department must be an education management law. In this case, colleges and universities mostly restrict students according to their own internal rules, unilaterally misinterpret and break up the corresponding civil relations between colleges and students, and exclude some students' right to be educated based on these internal rules. As relatively weak students under the current rules, it is difficult to have the right to object to these regulations, and they can only passively accept and obey the relevant management system formulated by university administrators<sup>[2]</sup>.

### ***2.2. The legalization of college student management is a requirement for building a country under the rule of law***

China's basic national policy clearly proposes to govern the country according to law and build a socialist country under the rule of law. In order to implement this basic national strategy in the field of higher education, colleges and universities must insist on managing schools according to law and managing education according to law. The most important thing about managing schools according to law is integration of the concept of legal system into student management. As an important way to realize this strategy of country governance, legal education has been incorporated into the national higher education system and has become an important part of modern higher education. Modern legal education has an irreplaceable role in building a country ruled by law, cultivating talents ruled by law, and cultivating law-abiding citizens. Taking legal education as key education, colleges and universities must adapt to the requirements for building a socialist country ruled by law, and carry out teaching activities from the theoretical and practical aspects of university education. In the future, citizens who understand the law, know the law, and abide by the law will appear in country's political, economic, and social fields, and legal accomplishment will become a basic quality that individuals must have [3].

## **3. THE CURRENT ISSUES ON LEGALIZATION OF COLLEGE STUDENT MANAGEMENT**

### ***3.1. The legal awareness of college student administrators needs to be improved***

It has been 40 years since China implemented the policy of reform and opening up in 1979, but college education management has not been further relieved in this process. Student management has long been affected by the thinking model of planned economy, and the reform progress is still slow. The rules and regulations of student management in most colleges and universities stipulate the obligations that students must fulfill, but ignore the legal rights of students [4]. When managing students, they tend to ask them to obey the administrative orders absolutely, while ignoring the procedures in accordance with the law in the implementation process. The problem lies in the management of colleges and universities. The rules and regulations often tend to be beneficial to themselves while ignoring the actual situation of themselves and the characteristics of their students. The resulting school regulations can easily lead to conflicts with higher regulation in that there is no orderly, complete and unified student management system formulated in accordance with relevant national laws and regulations in the process of college student management.

### ***3.2. College student management mechanism is not perfect***

The administrative power of college student administrators is different from the democratic management of modern colleges and universities. The management mechanism is born out of the government administrative system and is subject to the restrictions of administrative establishment. In addition, since most administrators have not studied law related majors, they have not studied and researched the relevant rule of law system. At the same time, many administrators do not have the corresponding consciousness and concept of governing the country and school by law, which has also led to the emergence of paternalistic styles in the process of student management. And, the internal supervision mechanism of many college student management organizations has not yet been established or the old system is used, and new rules of the school have not been formulated and updated in accordance with the requirements of the new era [5].

### ***3.3. The country's mechanism for university management and supervision is not perfect***

According to relevant statistics, there were 32 cases involving university student management among the major violations of the law and regulations in education system reported in the country in 2018. According to the survey, these 32 cases were basically directly related to top leaders of universities. The main reason for this undesirable phenomenon is the imperfect mechanism of the country's supervision of university administration. But it also reflects a series of phenomena such as rigid supervision mechanism, opaque management system, and overstaffing in the actual operation of colleges and universities in China. All this not only hinders the improvement of teaching in modern colleges and universities, but also breeds corruption more easily [6]. From the status quo of the management structure of colleges and universities in China, the rights of senior managers are rarely supervised and counterbalanced correspondingly. To a large extent, this leads to the situation in which administrators are prone to abuse of power in the management of college students.

### ***3.4. Students' self-legal awareness and right-protection awareness are weak***

With the rapid development of contemporary society, the Internet and mobile media have diversified the ways of solving problems for students. Contemporary college students will encounter various problems in the course of college life. They also show their own unique new characteristics when they encounter these problems: many students are prone to impulse when they encounter disputes to vent their emotions through the network. These unreasonable solutions are likely to cause online public opinions, posing a negative impact on colleges and

universities. In addition, students usually focus on their personal interest in their daily life rather than the interests of the society and the rights of the public, while ignoring the legal education from ideological and political teachers in colleges and universities. Due to this kind of learning awareness, it is difficult to cultivate students with legal sense in colleges and universities [7]. The bad information and news on the Internet easily cause misinterpretation and even distortion of the laws and regulations. This difference between objective performance and subjective educational philosophy has also brought great difficulties and challenges to student administrators in many colleges and universities.

#### **4. PROMOTE THE RULE OF LAW FOR COLLEGE STUDENTS**

Colleges and universities should insist on solving the problems existing in the process of student management in the context of governing the country according to law. University administrators should take the initiative to establish and improve the rules and regulations of student management by the service concept, with the feelings of putting people first. On the basis of a perfect system, they should vigorously promote the right relief mechanism. Only in this way can we finally promote the process of legalization of college student management in China.

##### ***4.1. Transform college administrators' concept of student management***

###### ***4.1.1. Communicate the educational philosophy of equality between teachers and students***

The concept of equality is the essence and foundation of law. In the process of college student management, to realize the rule of law, the rights and obligations of colleges and students must be scientifically divided. In a legal sense, the university administrators and students are equal, and administrators have no more right than students. However, due to the long-term influence of honouring teachers and esteeming truth in China, for thousands of years, the authority of teachers has been strengthened step by step. Therefore, teachers unconsciously take the position of educators in the process of getting along with students. In addition, the control of teachers over exams, thesis defense, graduation, etc. also makes it difficult for students to stand in an equal position with the teachers. As a result, students are afraid of teachers, and dare not refute teachers. Thus, students' rights are weakened or even marginalized, and they cannot achieve equal communication and dialogue with education administrators. Moreover, their rights cannot be well protected. Therefore, to realize the management under the rule of law in colleges and universities, treating teachers and students equally is the first problem to be solved.

###### ***4.1.2. Universities should establish a people-oriented management concept***

The country's emphasis on putting people first means advocating that human value and rights are the most important thing. The essence of education is to promote the all-round development of people, which is in line with the idea of putting people first and governing the country by law. Establishing the people-oriented concept requires all student administrators to focus on the rights of students when dealing with student affairs, and strive to create a democratic and relatively relaxing legal management environment for the development of students. These conditions are conducive to promoting the completion of teaching objectives, and ultimately conducive to promoting the growth of students. From another perspective, the education administrators of colleges and universities, counselors and managed students are standing at different positions [8]. Therefore, student management should ultimately depend on the management of people. Managing people with different roles is actually the best management for colleges and universities.

###### ***4.1.3. Establish modern management service philosophy***

Management is service, which is advocated by modern management philosophy. Today's college student administrators mostly regard students as the object of management in the field of college student management, and sometimes even carry out strict supervision and control over students. Therefore, students are at a subordinate and dominant position in most of their time. But it turns out that with the continuous enhancement of the awareness of the rule of law of contemporary college students, it is difficult to implement this management method in today's colleges and universities. For this reason, the student administrators should, first of all, correct their attitudes toward management, establish correct service concept, raise their own service awareness, and improve the quality of service, so as to provide a full range of services for the growth of students. Then, they should adjust the outdated service mechanism, actively innovate new models of student management, and actively link with student services to change the old paternalistic management style. The state should also actively investigate the existing status of college student management, and then establish a new effective model of student management in colleges and universities to form an intensive college student management effect.

## **4.2. Improve laws and regulations of college student management**

### *4.2.1. The state accelerates the introduction of a unified and efficient student management system*

In recent years, China has made great progress in legal construction of education, but there is still a certain gap with the "rule of law" strategy. There is still a lack of some laws related to student management. Especially, there have been frequent cheating behaviors in large-scale examinations in recent years, and even national examinations (post-graduate entrance examinations and university entrance examinations), but there is no relevant legislation for the country to handle these disciplinary violations, which also makes it difficult for the competent education department to deal with these situations. At the same time, rules and regulations should follow these principles: First, the principle of legality, that is, the "laws" within colleges and universities must not conflict with existing laws and regulations. We should follow the current education laws and regulations, combined with the current school development rules and regulations; second, the principle of rationality, that is, colleges and universities must formulate reasonable internal "laws" in line with fair and reasonable legal principles. For example, they should not have students kept in school but placed under surveillance for being late; third, the principle of democracy, that is, the "law" in the system of colleges and universities should not only cover the opinions and suggestions of student administrators, but also cover the views of most students. Only such student management system is in line with the status quo of modern college students and is suitable for management of college students.

### *4.2.2. Establish a due procedural system for college student management*

The connotation of a due procedure is neutrality, fairness, openness, judiciability, exclusivity, autonomy, and timeliness, and legal protection can be obtained through the due procedure. In the field of education, college administrators should focus on strengthening the awareness of procedures when dealing with student affairs, so that the concept of due procedure is used in all aspects of student management. Especially when dealing with students' violations of rules and disciplines on the campus, they should fully respect the students' right to know, defense, appeal, relief, etc. These can effectively check and balance the violations and infringement of the students' rights. The effective use of these due procedures can ensure that the process of dealing with students' problems is open, fair and just, so as to protect the rights and interests of students to the greatest extent.

### *4.2.3 Improve the relief mechanism for college students' management rights*

Legal relief is an important part of the legal procedure, and the right without relief cannot be guaranteed. From the perspective of the legal system, the way to protect the rights of college students is mainly to establish and improve the appeal system. At present, whether it is a school appeal or an administrative appeal outside the school, the relevant procedures and rules are not sound. Colleges and universities should establish a complaint system as soon as possible, improve complaint handling measures, and ensure that students' right protection is implemented and resolved as soon as possible.

The education arbitration system can be used as a transition link between the education appeal system and the education litigation system. Protecting student litigation channels is the most thorough solution, with broad influence and comprehensive right protection. Intervention by judicial review can supervise and restrict the management rights of college students to a certain extent, so as to better protect the rights and interests of college students and promote the legalization of college student management in China.

## **5. CONCLUSION**

With the continuous construction of a socialist legal system in our country, the legalization of college student management has received more and more attention and developed step by step. In the process of management of college student affairs, the corresponding college management system must be established and gradually improved within the scope prescribed by national laws to perform various tasks of student affairs management in accordance with the law. Meanwhile, the "putting people first" core educational philosophy must be inherited to ensure scientific management, humanistic education, and meticulous services based on ideological and political education, combining "rule of man" education with "rule of law" management, provide students with sufficient educational resources and a good environment, and guide students to make independent evaluations, predictions, and judgments. Only in this way can we further protect the rights and interests of students in the fields of social sciences, higher education and humanities.

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